

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC

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) In the Matter of:)
))
) Amendment of section 73.202(b))
) Table of Allotments)
) FM Broadcast Stations)
) Hilton, NY)
))

MM Docket No. 96-125

RM-8807

To: Chief, Allocations Branch
Mass Media Bureau

DOCKET FILE COPY ORIGINAL

REPLY TO COMMENTS

Alan Bishop d/b/a Hilton Broadcasting (Hilton Broadcasting) respectfully submits its reply to the comments made by Great Lakes Wireless Talking Machine Company (Great Lakes Wireless) regarding the above-captioned rulemaking seeking to have Channel 238A allotted to Hilton, New York as that community's first local service. Hilton Broadcasting submits the following:

1. Great Lakes Wireless has shown no technical data to support its position that Channel 238A allotted to Hilton will increase interference to Canadian station CJBC over Canadian land area. In their Engineering Statement Great Lakes Wireless states "numerous interference complaints will probably be forthcoming...". The original petition by Hilton Broadcasting shows that with a directional antenna allowing only 500 watts towards CJBC, the 34 dBu contour F(50,10) will not reach Nicholson Island, the nearest Canadian land mass.

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2. Great Lakes Wireless acknowledges that it operates Class D Translator W238AB in Rochester, New York. Class D stations are considered a "secondary service" and must operate pursuant to the provisions of Section 73.512 of the Commission's Rules. That section states that Class D stations may continue to operate only so long as no interference is caused to any commercial FM broadcast stations. If Channel 238A is allotted to Hilton, New York Great Lakes would be required to shut down their class D operation on Channel 238, though other frequencies may be available. Though it may not be in the best interest of Great Lakes Wireless, the public would be best served by allotting Channel 238A to Hilton.

3. Great Lakes Wireless states that it has successfully responded to interference complaints from CJBC. As stated above, engineering data shows interference with CJBC and the Hilton allotment is unlikely. Yet, if necessary, Hilton Broadcasting will also respond to inquiries from CJBC, Canadian listeners, and Canadian authorities.

4. Great Lakes Wireless states that Hilton is "significantly closer" to CJBC and Hilton Broadcasting would operate a full Class A facility. Hilton is only 11.8 km closer and the station would be directional away from CJBC.

5. Great Lakes Wireless states that Hilton, New York receives "numerous local broadcast stations". The nearest stations are in Rochester, New York, some 22 km from Hilton. Rochester radio stations are not "local" to Hilton, an

incorporated community of 5,886 persons (1990 Census).

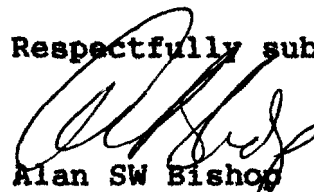
6. Great Lakes Wireless states that the allotment of Channel 238A to Hilton will set a precedent for future short-spacing requests with Canadian stations. The Commission has already negotiated a number of short-spaced allotments with Canada based on the 1991 FM Agreement between the Governments of Canada and the United States including Channel 231A in Brighton, New York (Docket 92-142 RM-8014). In that proceeding Channel 231A was allotted to Brighton even though it was short spaced to two Canadian stations, one by 21 km and the other by 93 km. Similarly, Channel 238A should be allotted to Hilton, New York.

As stated above, Great Lakes Wireless has not put forth any hard facts as to why the public interest would not be served by allotting Channel 238A to Hilton, New York as that community's first local service. Therefore, Hilton Broadcasting respectfully requests that the Commission gain concurrence with Canada to allot Channel 238A to Hilton, New York. Once it is allotted, Hilton Broadcasting will apply for a construction permit and, if granted, will immediately construct the station and begin broadcasting.

679 Furman Rd.
Fairport, NY 14450

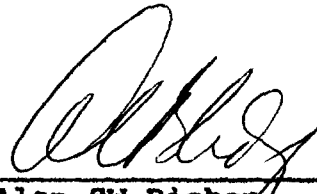
August 14, 1996

Respectfully submitted,



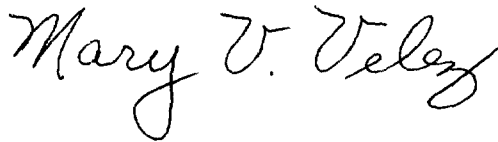
Alan SW Bishop
d/b/a Hilton Broadcasting

I certify that all the statements contained herein are true
to the best of my knowledge.



Alan SW Bishop
d/b/a Hilton Broadcasting

Subscribed and sworn
before me this 14th
day of August, 1996.

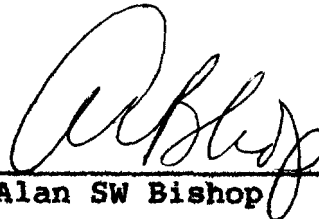


MARY V VELEZ
Notary Public, State of New York
No. 5006114
Qualified in Monroe County
Commission Expires February 13, 1997

CERTIFICATE OF SERVICE

I, Alan SW Bishop do hereby certify that copies of the foregoing document were sent, via first class mail, this 14th day of August, 1996 to the office of the following:

Great Lakes Wireless Talking Machine
Company
c/o Shainis and Peltzman
2000 L Street, NW Suite 200
Washington, DC 20036

A handwritten signature in cursive script, appearing to read "A Bishop", is written over a horizontal line.

Alan SW Bishop